

Supreme Court, U. S.

FILED

APR 12 1976

MICHAEL RODAK, JR., CLERK

IN THE

**SUPREME COURT OF THE UNITED STATES**

**October Term, 1975**

**No. 75-1212**

**MABLE HURLBUTT GOSTOUT, Appellant**

**v.**

**PETER P. HALE, BANKRUPT, Appellee**

**On Appeal from the United States District Court  
for Connecticut**

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***MOTION TO DISMISS APPEAL***

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The appellees, Peter P. Hale, bankrupt, and Union Trust Company, Trustee, herewith move this Court for an order dismissing an appeal taken by Mable Hurlbutt Gostout, appellant, from the order dismissing the complaint dated August 12, 1975 (by motion to reconsider dated September 23, 1975) and an order denying motion for remand, said motion and the order thereon being dated October, 1975, from the order of the United States Court of Appeals for the Second Circuit dismissing the complaint (sic.) dated August 12, 1975, (by motion to reconsider dated October 22, 1975 denied September 23, 1975) and an order denying a motion for remand, said motion having been dated September 9, 1975 and the order thereon being dated October 1, 1975, for the reason that said appeal was not docketed with this Court within the time prescribed by Rule 13 of the Revised Rules, to wit: 90 days from the date of the delivery of said orders.

This motion to dismiss is made in accordance with the provisions of Rule 16 of the Revised Rules of this Court.

We have this date mailed three copies of this motion to each of the attorneys for all parties to the proceedings, namely Michael J. Whalen, Attorney, 205 Church Street, New Haven, Connecticut 06510, and Herman S. Hodes, Attorney, Trustee in Bankruptcy, 273 Orange Street, New Haven, Connecticut 06500.

DATED at Wallingford, Connecticut this 1st day of March,  
A. D., 1976.

Respectfully submitted,

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JOHN V. P. BILLINGS  
Attorney for Peter P. Hale,  
Appellee

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RICHARD C. HANNAN, JR.  
Attorney for Union Trust Company,  
Trustee, Appellee